

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE:

Martha Weaver

Debtor(s)

CHAPTER 13

CASE NUMBER: 16-31112

JUDGE: Joel D Applebaum

**MOTION FOR ORDER TO COMPEL BSI FINANCIAL SERVICES TO ENTER A
PERMANENT MORTGAGE LOAN MODIFICATION OR OTHERWISE INFORM
DEBTOR'S ATTORNEY OF STATUS**

NOW COMES Debtor, Martha Weaver, by and through their attorney, Anthony Y. Abueita, and moves this court to compel BSI Financial Services to Enter a Permanent Mortgage Loan Modification or Otherwise Inform Debtor's Attorney of Status reads as follows:

1. That on May 5, 2016, the within Debtor(s) commenced these proceedings for relief under Chapter 13 of the Bankruptcy Code.
2. That on January 3, 2020 an Order Allowing Debtor to Enter into a Trial Mortgage Loan Modification with and Authorizing the Chapter 13 Trustee to Disburse Trial Period Payments was entered.
3. That the final payment for the Debtor's Trial Mortgage Loan Modification was scheduled for July 1, 2020.
4. That the Debtor did remit her full Chapter 13 Plan Payments for the months of March through July 2020 which would allow the Chapter 13 Trustee to disburse payments to BSI Financial Services.
5. That the Order Allowing Debtor to Enter into a Trial Mortgage Loan Modification with and Authorizing the Chapter 13 Trustee to Disburse Trial Period Payments states that the Debtor must advise the Trustee whether the modification was made permanent, continued, or denied, and provide proof of the terms of the implementation of denial of a final modification within twenty-eight (28) days of the final Trial Mortgage Loan Payment.
6. That the Debtor and her attorney have, on multiple occasions, attempted to contact BSI Financial Services to have them provide clarification on the permanent mortgage loan modification, and BSI Financial Services has failed to respond in a timely manner.

WHEREFORE, Debtor(s), Martha Weaver, respectfully requests that this Honorable Court compel BSI Financial Services to Enter a Permanent Mortgage Loan Modification or Otherwise Inform Debtor's Attorney of Status.

Date: December 14, 2020

/s/ Anthony Abueita, PLC

Anthony Abueita, PLC
Attorney for Debtor

702 Church St, Suite 2
Flint MI 48502
810-235-8669
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**ORDER TO COMPEL BSI FINANCIAL SERVICES TO ENTER A PERMANENT
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ATTORNEY OF STATUS**

This matter having come on to be heard upon the Motion on Order To Compel BSI Financial Services to Enter a Permanent Mortgage Loan Modification or Otherwise Inform Debtor's Attorney of Status.

NOW, THEREFORE IT IS HEREBY ORDERED that BSI Financial Services shall enter a permanent mortgage loan modification or otherwise inform Debtor's attorney of status.

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**NOTICE TO RESPOND TO MOTION FOR ORDER TO COMPEL BSI FINANCIAL
SERVICES TO ENTER A PERMANENT MORTGAGE LOAN MODIFICATION OR
OTHERWISE INFORM DEBTOR'S ATTORNEY OF STATUS**

The Debtor(s) has/have filed papers with the Court requesting to Compel BSI Financial Services to Enter a Permanent Mortgage Loan Modification or Otherwise Inform Debtor's Attorney of Status.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion to Compel BSI Financial Services to Enter a Permanent Mortgage Loan Modification or Otherwise Inform Debtor's Attorney of Status, or if you want the court to consider your views on the modification, within FOURTEEN (14) days from the date of service of this modification, you or your attorney must:

1. **File with the Court a written response or an answer explaining your position at:**¹

United States Bankruptcy Court, 226 West Second Street, Flint, MI 48502

If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the TWENTY-FIRST (21st) day from the date of this motion.

You must also mail a copy to:

Carl L. Bekofske, Standing Chapter 13 Trustee, 400 North Saginaw Street, Suite 331, Flint, MI 48502

Debtor Attorney: Anthony Abueita, 702 Church St, Suite 2, Flint, MI 48502.

2. **If a response or answer is timely filed and served, the Court will schedule a hearing on the matter and you will be notified as to the time and date of the hearing.**

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion, and may enter an order granting that relief.

Dated: December 14, 2020

/s/ Anthony Yacoub Abueita

¹ Response or answer must comply with F.R. Civ. P. 8(b), (c), and (e)

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CERTIFICATE OF SERVICE

I hereby certify that on December 9, 2020, I electronically filed the Motion to Compel BSI Financial Services to Enter a Permanent Mortgage Loan Modification or Otherwise Inform Debtor's Attorney of Status., Notice to Respond, and Proposed Order with the Clerk of the Court using the ECF System, which will send notification to the following:

- **Anthony Abueita** Abueitalaw@gmail.com, abueitastaff@gmail.com;R50082@notify.bestcase.com
- **Athena J. Aitas** easternecf@trottlaw.com, mitrottlaw@ecf.courtdrive.com
- **Carl Bekofske** ECF@flint13.com, ECFII@flint13.com
- **Marcy J. Ford** easternecf@trottlaw.com, mitrottlaw@ecf.courtdrive.com
- **Craig S. Schoenherr** ecf@orlaw.com
- **Molly Slutsky Simons** bankruptcy@sottileandbarile.com

The parties on the Attached Mailing Matrix were served via First Class Mail at the address below by depositing same in the United States Postal Box with the lawful amount of postage affixed thereto.

/s/ Samantha D Peters

Samantha D. Peters

Secretary for Anthony Abueita, PLC

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810 235 8669

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